

Plaintiffs do not appeal the dismissal of Counts VII, VIII, XI, XII, XIII (i.e., Counts 7, 8, 11, 12 and 13) as moot, as plaintiffs accept and agree with this Court that representations made by defendants during the course of this litigation are permanently binding on defendants effectively rendering the claims set forth in these Counts moot.

Plaintiffs appeal of the dismissal of one of their pendent state law claims under Count XXVII (27) as a protective measure in case defendants appeal the Court's as-applied ruling in favor of plaintiffs' as to Count III of plaintiffs' Amended Complaint.

Respectfully submitted,

Dated: June 10, 2015

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on June 10, 2015, he personally caused to be served upon the following a true and correct copy of the foregoing Notice of Appeal via the Court's ECF filing system to:

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Dated: June 10, 2015

/s/ Paul A. Rossi
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